

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

IN RE BARD IVC FILTERS
PRODUCTS LIABILITY LITIGATION

No. 2:15-MD-02641-DGC

**AMENDED SECOND AMENDED
MASTER SHORT FORM COMPLAINT
FOR DAMAGES FOR INDIVIDUAL
CLAIMS AND DEMAND FOR JURY
TRIAL**

Plaintiff(s) named below, for their Complaint against Defendants named below, incorporate the Master Complaint for Damages in MDL 2641 by reference (Doc. 364).

Plaintiff(s) further show the Court as follows:

1. Plaintiff/Deceased Party:

SHASHAWNA JONES BENITEZ

2. Spousal Plaintiff/Deceased Party's spouse or other party making loss of consortium claim:

Edwin Benitez

3. Other Plaintiff and capacity (i.e., administrator, executor, guardian, conservator):

N/A

4. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at the time of implant:

New York

5. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at the time of injury:

New York

6. Plaintiff's current state(s) [if more than one Plaintiff] of residence:

New York

7. District Court and Division in which venue would be proper absent direct filing:

District Court for the Eastern District of New York

8. Defendants (check Defendants against whom Complaint is made):

☒ C.R. Bard Inc.

☒ Bard Peripheral Vascular, Inc.

9. Basis of Jurisdiction:

☒ Diversity of Citizenship

☐ Other: _____

a. Other allegations of jurisdiction and venue not expressed in Master Complaint:

10. Defendants' Inferior Vena Cava Filter(s) about which Plaintiff(s) is making a claim (Check applicable Inferior Vena Cava Filter(s)):

☐ Recovery[®] Vena Cava Filter

- ☒ G2[®] Vena Cava Filter
- ☐ G2[®] Express Vena Cava Filter
- ☐ G2[®] X Vena Cava Filter
- ☐ Eclipse[®] Vena Cava Filter
- ☐ Meridian[®] Vena Cava Filter
- ☐ Denali[®] Vena Cava Filter
- ☐ Other: _____

11. Date of Implantation as to each product:

_____02/09/2007_____

12. Counts in the Master Complaint brought by Plaintiff(s):

- ☒ Count I: Strict Products Liability – Manufacturing Defect
- ☒ Count II: Strict Products Liability – Information Defect (Failure to Warn)
- ☒ Count III: Strict Products Liability – Design Defect
- ☒ Count IV: Negligence - Design
- ☒ Count V: Negligence - Manufacture
- ☒ Count VI: Negligence – Failure to Recall/Retrofit
- ☒ Count VII: Negligence – Failure to Warn
- ☒ Count VIII: Negligent Misrepresentation
- ☒ Count IX: Negligence *Per Se*
- ☒ Count X: Breach of Express Warranty
- ☒ Count XI: Breach of Implied Warranty

- ☒ Count XII: Fraudulent Misrepresentation
 - ☒ Count XIII: Fraudulent Concealment
 - ☒ Count XIV: Violations of Applicable New York Law Prohibiting
Consumer Fraud and Unfair and Deceptive Trade Practices
 - ☒ Count XV: Loss of Consortium
 - ☐ Count XVI: Wrongful Death
 - ☐ Count XVII: Survival
 - ☒ Punitive Damages
 - ☐ Other(s): _____ (please state the facts
supporting this Count in the space immediately below)
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13. Jury Trial demanded for all issues so triable?

- ☒ Yes
- ☐ No

RESPECTFULLY SUBMITTED this 25th day of January, 2017.

BABBITT & JOHNSON, P.A.

By: /s/ Joseph R. Johnson
Joseph R. Johnson (Fla. Bar No. 372250)
Suite 100
1641 Worthington Road
West Palm Beach, FL 33409
(561) 684-2500
jjohnson@babbitt-johnson.com

